

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE INVESTIGATION OF

PAUL L. KAUFMAN, M.D.,

Licensee

FILE COPY

MEMORANDUM AND ORDER ON SETTLEMENT CONFERENCE

TO: David E. McFarlane
Attorney at Law
1 East Main Street
P.O. Box 2719
Madison, WI 53701-2719

Arthur Thexton
Attorney at Law
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

An informal settlement conference was conducted in the above-captioned matter before an informal settlement conference committee of the Medical Examining Board on August 23, 1994. The purpose of the conference was to provide interested parties with an opportunity to discuss allegations received pertaining to the practice of Dr. Kaufman as a physician, and to attempt to reach a fair and consensual resolution of the matter.

The committee consisted of George Arndt, M.D., and Michael Mehr, M.D. Dr. Kaufman appeared in person and by Attorney David McFarlane. Others present included Wayne Austin, the board's legal counsel, and Pamela Stach, attorney for the Department of Regulation & Licensing, Division of Enforcement.

The parties orally presented their respective positions regarding the matter to the committee, and the committee deliberated on a possible disposition of the matter. The committee thereafter presented a proposed Stipulation for Dr. Kaufman's consideration, a copy of which is attached hereto and made a part hereof. The Stipulation was ultimately executed by Dr. Kaufman, Mr. Ms. Stach, and James Esswein, M.D., board Chairman.

Based upon the proceedings at the conference, and upon the Stipulation of the parties, the board enters the following order.

ORDER

NOW, THEREFORE, IT IS ORDERED that based on the findings and conclusions in this matter, as set forth in the Stipulation of the parties hereto, the investigation into this matter shall be closed without further action.

Dated this 19 day of October, 1994.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by James L. Esswein, M.D.
~~James L. Esswein, M.D.~~ James L. Esswein, M.D.
~~Secretary~~ Chairman

WRA 9409212

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STIPULATION

Paul L. Kaufman, M.D., (Dr. Kaufman), and the Medical Examining Board (board), having reached agreement on disposition of the informal complaint identified as 94 Med 166, agree and stipulate as follows:

1. This Stipulation shall be made a part of a Memorandum and Order on Settlement Conference to be issued by the board, and all terms of the Stipulation shall be binding on Dr. Kaufman as a part of the board's order.

2. This Stipulation and the board's order shall be placed in Dr. Kaufman's permanent file, and may be used if there are further complaints against him.

3. Dr. Kaufman is licensed to practice in Wisconsin by license #19748, issued on October, 17, 1975, and he practices at University of Wisconsin Hospital and Clinics, 600 Highland Avenue, Madison, Wisconsin. Dr. Kaufman specializes in ophthalmology.

4. Katherine Watson, DOB June 5, 1989, suffers from retinopathy of prematurity. Complications include neovascular glaucoma which cost the Watson child the sight in her right eye and only the barest perception of light in her left eye. Dr. Kaufman undertook management of the Watson child's ophthalmological care in August, 1991, after previous treatment by other ophthalmologists in Michigan and in Madison.

5. The Watson child was scheduled for reevaluation of the retina and glaucoma aspects her condition to be conducted by Drs. Michael Nork and Dr. Kaufman, respectively, on March 16, 1993. Because the Watson child's parents feared that the bright light of the indirect ophthalmoscope utilized in a complete retinal examination might damage the patient's marginally functional retina, and in light of the apparent stability of the retina, Drs. Nork and Kaufman agreed that a complete retinal examination was probably unnecessary.

6. On March 16, 1993, ~~Margaret M.~~ Margaret M. Watson, the patient's mother, signed a University Hospital and Clinics Consent to Operations, Anesthetics, Diagnostic Radiology or Other Special Procedure. Clause #1 of the consent form states as follows:

1. I request and authorize Dr. Kaufman/Nork, as well as other doctors, assistants, and staff who may be assigned to my care, to perform the following procedure(s):

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EVA and check the fitting of scleral shell. Put the child to sleep and check her eyes & check the fitting of her scleral shell on Katherine Watson.

7. It was Mrs. Watson's understanding that she had clearly conveyed to Dr. Nork and Dr. Kaufman that the consent signed by her was not intended to consent to the performance of a retinal examination utilizing an ophthalmoscope, and that both Dr. Nork and Dr. Kaufman understood that no such examination was to be performed.

8. It was Dr. Kaufman's understanding that while a complete retinal examination was not to be performed, he was not precluded from quickly scanning the back of the eye to ensure that the Watson girl's retinal condition appeared stable.

9. The parties agree that in the total circumstances of this case, the investigation of the matter should be closed without further action.

Dated this thirteenth day of September, 1994.

Paul L. Kaufman
Paul L. Kaufman, M.D.

Dated this _____ day of _____, 1994.

Pamela M. Stach, Attorney, Division of Enforcement

Dated this 19th day of October, 1994.

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

by James L. Esswein, M.D.
James L. Esswein, M.D., Chairman